

NOTICE OF PUBLIC HEARING
RELATING TO THE TRI-BASIN, LITTLE BLUE, AND UPPER BIG BLUE
NATURAL RESOURCES DISTRICTS
AND NOTICE OF ADDITIONAL STAYS IN
THE TRI-BASIN NATURAL RESOURCES DISTRICT

Pursuant to Section 46-714 of Nebraska Revised Statutes, the Nebraska Department of Natural Resources (“Department”) hereby provides notice that the Department shall hold a public hearing on Thursday, March 23, 2006, at 7:00 p.m. in Minden at the 4-H Building on the Kearney County Fairgrounds. A public information meeting will be held at 6:00 p.m., Thursday, March 23, 2006, in Minden at the 4-H Building on the Kearney County Fairgrounds. As required by Section 46-714(4), the purpose of the hearing is to collect evidence and testimony concerning the Department’s preliminary determination that portions of the Platte River Basin that are located in Phelps, Kearney, Adams and Hamilton Counties are fully appropriated. Testimony and evidence also will be collected concerning the extent of the area within which the surface water and ground water supplies for the river basin, subbasin, or reach are determined to be hydrologically connected, and whether the stays on new uses should be terminated. Any interested person may appear at the hearing and present written or oral testimony concerning this matter. Individuals with disabilities may request auxiliary aids and service necessary for participation by contacting the Department of Natural Resources by March 22, 2006. Testimony relevant to the purposes of the hearing may also be submitted in writing to the Department of Natural Resources, 301 Centennial Mall South, P.O. Box 94676, Lincoln, NE 68509-4676, by 5:00 p.m., April 7, 2006. The Department will accept testimony and other evidence regarding the information from the COHYST model at the public hearing on March 23, 2006 or, if submitted in writing, at the Department’s headquarters, 301 Centennial Mall South, P.O. Box 94676, Lincoln, NE 68509-4676, by 5:00 p.m. April 7, 2006.

Notice is also hereby given that the Department has received additional information from the COHYST model regarding the geographic area within which surface water and ground water supplies for the Platte River Basin are hydrologically connected. The information from the COHYST model includes approximately 13 additional sections of land in Kearney County that were not included in the Department’s preliminary determination (“Additional Sections”) within

the hydrologically connected area and excludes approximately 188 sections of land in Phelps, Kearney and Adams Counties that were included in the Department's preliminary determination. The Department will consider the information from the COHYST model when making its final determination about the extent of the geographic area within which surface water and ground water supplies for the Platte River Basin are hydrologically connected.

The Department also hereby gives notice that stays have been placed on new uses of surface water in the Platte River Basin portion of the Additional Sections, and notifies the Tri-Basin Natural Resources District that stays on new uses of ground water will take effect in the Additional Sections as described below.

The Department has placed an immediate stay on the issuance of any new natural-flow, storage, or storage-use appropriations in the Platte River Basin surface water portion of the Additional Sections. On receipt of notice from the Department by Tri-Basin Natural Resources District, there shall be a stay on the issuance of water well construction permits in the Additional Sections. Stays shall also be imposed (a) on the construction of certain new water wells in the Additional Sections if such construction has not commenced prior to the determination, whether or not a construction permit for such water well was previously obtained from the Department or the NRD, and (b) on the use of an existing water well to increase the number of acres historically irrigated. In addition, there shall be, in the Platte River Basin surface water portion of the Additional Sections, a stay on any increase, through use of an existing surface water right, of the number of acres historically irrigated. All of these additional stays will be effective on March 12, 2006, which will be the date ten days after the Department's first newspaper publication, in the Omaha World Herald, of this notice.

For information regarding the information from the COHYST model, the Department's preliminary determinations, the nature of the stays placed into effect, and the statutory exceptions to the stays, please refer to the Department's web site, at <http://www.dnr.state.ne.us/LB962/LB962Implementation.html>.

The Department will make a final determination about what geographic area, if any, is hydrologically connected to the Platte River Basin by April 23, 2006. At the time of the final determination, the existing stays will expire in any area not considered to be hydrologically connected. If any area is determined to be hydrologically connected, stays shall remain in effect until (a) they are terminated or expire pursuant to Section 46-714, (b) an integrated management

plan for the affected area has been adopted and has taken effect, or (c) the Department has completed a reevaluation of the area and has determined that the affected area is not fully appropriated.